

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
GALVESTON DIVISION

DAVID LIPNICKI, NEIL ALBA, DONNA ARMSTRONG, and BRIANNA ROGAN, on behalf of themselves and all others similarly situated,

Plaintiffs,

**V.**

**MERITAGE HOMES CORPORATION and  
MERITAGE HOMES OF TEXAS, LLC**

**Defendants.**



Civil Action No. 3:10-cv-00605

## COLLECTIVE ACTION (JURY TRIAL)

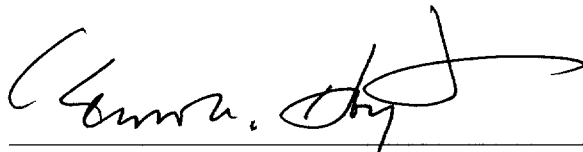
**ORDER  
GRANTING PLAINTIFFS' MOTION FOR NOTICE  
AND CONDITIONAL CERTIFICATION**

Before the Court is Plaintiffs' Motion For Notice and Conditional Certification. After having considered the Motion, the Court hereby **ORDERS** that Plaintiffs' Motion For Notice and Conditional Certification be **GRANTED**. It is further **ORDERED** that:

1. Within 5 days from the date of this Order, Defendants shall provide to Plaintiffs' counsel a list both electronically (in an Excel spreadsheet with each item of the employee's name, address, phone number, and dates of employment designated as a separate field) and by hard copy, of all individuals who have worked for Defendants (one or both of them) at any time since December 22, 2007 as a salesperson, including their name, current or last known address, phone number, and dates of employment.
2. Plaintiffs may disseminate the Notice and Consent/Information Forms attached hereto as Exhibit C to Plaintiffs' Motion for Notice and Conditional Certification to all current and former employees of Defendants employed as a salesperson.

3. Defendants shall post the Notice and Consent Form attached as Exhibit C to Plaintiffs' Motion for Notice and Conditional Certification in a conspicuous place (such as a break room) in each of Defendants' locations, including but not limited to, corporate offices, construction trailers, and every model home sales office or any other sales office, for a period of 90 days commencing 3 days from the date of this Order.
4. Defendants shall publicize the Notice and Consent Form attached hereto as Exhibit C to Plaintiffs' Motion for Notice and Conditional Certification in Defendants' employee newsletter or other employee publication for the next 3 months.
5. Defendants shall not email, mail, or in any other manner send or publicize any other information concerning this lawsuit to any of Defendants' current or former salespersons except as described herein or otherwise specifically authorized by this Court.
6. Anyone who wishes to join this action must file a consent form within 95 days from the date of this Order.

Signed this 18 day of April, 2011.

A handwritten signature in black ink, appearing to read "Kenneth Hoyt", written over a horizontal line.

THE HONORABLE KENNETH HOYT  
UNITED STATES DISTRICT JUDGE